

Do we want a limited government, or do we want to continue to expand a larger and larger government? Do we want to raise taxes more and more to sustain spending levels higher than we have ever had them before? Is that what we want? Or are we prepared to make reductions in spending? One or the other has to occur. We cannot continue to borrow at the rate we are borrowing, which every expert has told us.

I am challenging the leaders of this Senate who asked for the job, who asked to be leaders of the Senate, asked to be given the responsibility of helping guide our Nation, to step forward and provide leadership.

In the joint statement issued by Mr. Bowles and Alan Simpson that they submitted to the Budget Committee, they said our Nation has never faced a more predictable financial crisis. In other words, to the experts they heard from and who testified to them, and then based on their own study, they believe we are heading to a financial crisis. Alan Greenspan recently said: I think the Congress will, at some point, pass reform in spending and budget matters. The only question is, Will they pass it before or after the debt crisis hits.

So we have that challenge. We have no higher duty than to protect our people from a foreseeable danger.

That danger is out there. We are heading right toward it. It is time for us to stand up and be honest and face that challenge. I do not believe business as usual should continue, and I will object to it so far as I am able.

I thank the Acting President pro tempore and yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

PATRIOT SUNSETS EXTENSION ACT OF 2011—Motion to Proceed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 1038, which the clerk will report by title.

The assistant legislative clerk read as follows:

Motion to proceed to the bill (S. 1038) to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes.

Mrs. FEINSTEIN. Mr. President, as Chairman of the Senate Intelligence

Committee, I wish to point out that as of Friday, there are three provisions of the Foreign Intelligence Surveillance Act which are going to expire. Those three provisions are something called roving wiretaps, the "lone wolf" provision, and the business records authority.

Because of prior discussions, let me point out up-front that this does not include national security letters, just these three provisions: "roving wiretaps," the "lone wolf," and the "business records" authorities.

I very much appreciate that the majority leader and the Republican leader have come together in agreement to bring this legislation to the Senate floor. Because of its importance, particularly at this point in time, I hope we will be able to conclude this business and see that those provisions are extended for 4 years before Friday.

Many of us strongly believe when it comes to national security there should be no partisan divide, only strong bipartisan support. So this measure should receive a substantial vote this afternoon, and the Senate will pass it quickly this week before these key authorities expire.

But before talking about the substance of the legislation, let me describe the context in which this debate occurs.

Three weeks ago, on May 1, the United States carried out a risky, complicated but ultimately successful strike against Osama bin Laden, in Abbottabad, Pakistan. The strike was the culmination of nearly a decade-long intelligence operation to locate bin Laden.

Similar to most complex intelligence challenges, finding bin Laden was the product of multiple intelligence sources and collection methods. It was a seamless effort led by the CIA, with important contributions from the National Security Agency—known as the NSA—and the National Geospatial Intelligence Agency as well.

The intelligence mechanisms that are employed in counterterrorism operations are carefully and regularly reviewed by the Senate's Intelligence Committee, which I have the honor to chair. Some are also overseen by the Judiciary Committee, on which I also have the pleasure to serve.

These intelligence tools include the provisions of the Foreign Intelligence Surveillance Act, or FISA, and in particular the three provisions that will, if not reauthorized, expire on May 27. Again, they are the "roving wiretap," the "lone wolf," and the "business records" authorities.

The point is, we as a nation rely on certain secret sources and methods to protect our national security. Most other nations do as well.

It is also important to note that the strike against bin Laden, while a critical strategic blow to al-Qaida, is also very likely to lead to reprisal attempts.

There have been calls for attacks against the United States after the bin

Laden strike from al-Qaida in Pakistan, from al-Qaida affiliates in Yemen and North Africa. There is a very real concern that radicalized Americans here at home may contemplate violence in response to extremists' calls for retribution.

So this is a time of heightened threat—maybe no specific threat, but certainly heightened threats. We are seeing attacks in Pakistan carried but by the Taliban in reprisals for this attack as well. Therefore, this is a time when our vigilance must also be heightened.

Key officials from the National Counterterrorism Center, the FBI, and the Department of Homeland Security recently described to the Intelligence Committee in closed session how their respective agencies have heightened their defensive posture over these very concerns.

Clearly, this is a time where every legal counterterrorism and intelligence-gathering mechanism should be made available.

It is also a time to seize the opportunity to further disrupt al-Qaida. The assault on the bin Laden compound netted a cache of valuable information: papers, videos, computer drives, and other materials about al Qaeda's vision and al-Qaida's plans.

The intelligence community established an interagency task force to go through that material as quickly as possible. I am hopeful that previously unknown terror plots will be identified and information leading to the location of terrorists will be found.

Authorities such as the three provisions set to expire this Friday may well prove critical to thwarting new plots and finding terrorists. They must be renewed.

Let me describe the three provisions in more detail.

First, the roving wiretap provision. Roving wiretap authority was first authorized for intelligence purposes in the PATRIOT Act in 2001. But, as you know, it has been used for years in the criminal context. This provision, codified in the Foreign Intelligence Surveillance Act, provides the government with the flexibility necessary to conduct electronic surveillance against elusive targets.

Let me explain.

In most cases under FISA, the government can go to the Foreign Intelligence Surveillance Act Court—which I will describe in detail later—and present an application to tap the telephone of a suspected terrorist or spy. The FISA Court reviews the application and can issue an order—basically a warrant—to allow the government to tap a phone belonging to that target.

We all know in this day and age there are disposable or "throw away" cell phones that allow foreign intelligence agents and terrorists not only to switch numbers but also to throw away their cell phone and replace it with another.

This roving wiretap authority allows the government to make a specific